

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.723 of 2018

Arising Out of PS. Case No.- Year- Thana- HALSI District- Lakhisarai

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Bishwanath Mahto, son of Raushan Mahto, Resident of Village- Dhira, Police Station- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Lakhisarai, District- Lakhisarai.
3. The Sub- Divisional Magistrate, Lakhisarai.
4. Circle Officer, Halsi, District- Lakhisarai.
5. Officer Incharge Halsi Police Station- Halsi, District- Lakhisarai.
6. Sanjay Choudhary, son of Baso Choudhary, Resident of Village- Halsi, Police Station- Halsi, District- Lakhisarai at presently Living at Mohaddi Nagar More Back of Yatri Shed, Police Station- Halsi, District- Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh
For the Respondent/s : Mr. Md.N.H. Khan (Sc-1)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-11-2018 Learned counsel for the petitioner has drawn attention of this Court towards the petition dated 19.06.2017 (Annexure-7) which is said to have been filed before of the Sub-Divisional Magistrate, Lakhisarai requesting him to pass a final order in connection with the case in question.

Learned counsel for the petitioner submits that despite there being no objection in terms of the order of learned revisional court passed in Cr. Revision No. 59 of 2016, the order dated 25.11.2016 passed by Sub-Divisional Magistrate, Lakhisarai in Case No. 299M of 2015 under Section 133 Cr.P.C. is not being executed.

Learned counsel submits that the order dated 25.11.2016



has attained finality, therefore, the Circle Officer, Halsi and the Officer-In-Charge, Halsi Police Station are required to act upon the said order and do the needful in compliance thereof.

Learned counsel for the State is present.

In the given facts and circumstances of the case, this writ application is being disposed of with a direction to the Sub-Divisional Magistrate, Lakhisarai, Circle Officer, Halsi and the Officer-In-Charge, Halsi Police Station to look into the grievance of the petitioner and in case it is found that the order dated 25.11.2016 has attained finality, the same must be executed in order to give effect to the order.

However, before proceeding with the execution of the order dated 25.11.2016, the learned Sub-Divisional Magistrate, Lakhisarai shall give one opportunity of hearing to private respondent no. 6 and in such case the final order towards execution and implementation of the order dated 25.11.2016 must be passed and action be taken within a maximum period of 90 days from the date of receipt/production of a copy of this order.

(Rajeev Ranjan Prasad, J)

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